

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**SANDRA SIMPSON**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO.: 1:08-cv-475-LTS-RHW**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, et al**

**DEFENDANTS**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE  
AS TO STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ONLY**

**THIS CAUSE** having come on this day on the Joint Motion for Dismissal of State Farm Mutual Automobile Insurance Company and the Court, being informed that there exist no cross-claims against State Farm Mutual Automobile Insurance Company and that all parties agree to the terms of this dismissal, is of the opinion that the Joint Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that this cause should be, and the same is hereby, dismissed with prejudice as to State Farm Mutual Automobile Insurance Company only, subject to the following conditions:

- 1) Plaintiff maintains and does not dismiss her claims against State Farm Fire and Casualty Company;
- 2) State Farm Mutual Automobile Insurance Company retains and hereby preserves its right to pursue costs and attorneys' fees under Fed. R. Civ. P. 11 and the Mississippi Litigation Accountability Act against Plaintiff's former counsel. Plaintiff's former counsel does not include any attorney associated with Owen, Galloway & Myers, PLLC against whom State Farm Mutual will

not seek fees and costs for any actions taken prior to the dismissal with prejudice of State Farm Mutual.

SO ORDERED AND ADJUDGED this the 14<sup>th</sup> day of November, 2008.

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s/ L. T. Senter, Jr.

L. T. SENTER, JR.

SENIOR DISTRICT JUDGE

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APPROVED AS TO FORM BY:

s/ Charles C. Wimberly, III

Charles Corbett Wimberly, III MSB # 101375  
Attorney for Plaintiff

s/ Sherrie L. Moore

SHERRIE L. MOORE, MSB #10723  
Attorney for Defendant, State Farm  
Mutual Automobile Insurance Company

s/ H. Scot Spragins

H. SCOT SPRAGINS, MSB #7748  
Attorney for Defendant State Farm Fire  
and Casualty Company